

CHOATE, HALL & STEWART LLP

PAUL D. POPEO, P.C.
DIRECT DIAL: (617) 248-4074
EMAIL: PPOPEO@CHOATE.COM

EXCHANGE PLACE
53 STATE STREET
BOSTON, MASSACHUSETTS 02109-2804

T (617) 248-5000 F (617) 248-4000
www.choate.com

February 16, 2005

BY FAX – (617-443-0004)

Jack C. Schechter, Esq.
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618

RE: ScanSoft, Inc. v. Voice Signal Technologies, Inc., et al.
Civil Action No. 04-10353 PBS

Dear Jack:

This letter responds to the letter which you faxed to me this evening.

Your letter requests that Voice Signal withdraw certain objections articulated in its Amended Responses to Plaintiff's First Set of Interrogatories prior to the meeting which I have scheduled with Lisa Fleming and Lee Bromberg at your offices tomorrow. In support of your request, you reference the recent telephonic conference with the Magistrate Judge, and incorrectly represent the status of certain pending discovery objections. During the telephonic hearing, the Court denied Voice Signal's motion to clarify the scope of the Court's source code discovery order, and further indicated that Voice Signal should pursue the matter with Judge Saris by way of its pending Objection. The written Order dated February 15, 2005 states, "The Court notes that VST has filed an objection to the Discovery Order. VST's recourse regarding its dissatisfaction with the Discovery Order, including the scope of the source code that the Discovery Order requires VST to produce, is through that objection". Your assertion that the Discovery Order leaves Voice Signal with "no basis to object that ScanSoft's definition includes more than the user interface" source code is therefore not accurate.

Similarly, your assertion that the permissible scope of ScanSoft's discovery into VST's trade secrets is "no longer in dispute" is untrue. As we have articulated in the Amended Responses and in various pleadings, ScanSoft is obligated to particularize the specific trade secrets which it alleges were misappropriated before Voice Signal is obligated to produce trade secret discovery.

On a related note, ScanSoft has consistently maintained that it is ready to produce its source code to Voice Signal, but to date has refused to do so except on "mutual terms." The Court's January 14, 2005 Discovery Order does not impose any such mutuality obligation, and

3829619v1

Jack C. Schecter, Esq.
February 16, 2005
Page 2

ScanSoft has neither objected to the production of its source code nor offered any independent ground to delay that production. Accordingly, please produce that source code immediately.

Sincerely,


Paul D. Popeo

PDP:asc

3829619v1

**CHOATE
HALL &
STEWART**

Fax Transmittal Sheet

RECIPIENT	COMPANY	FAX	PHONE
Jack C. Schechter, Esq.	Bromberg & Sunstein LLP	617-443-0004	

FROM	Paul D. Popeo, P.C.	NUMBER OF PAGES	
DATE	February 16, 2005	CLIENT NUMBER	2004207-0003
PHONE	(617) 248-4074	OPERATOR	TIME SENT

COMMENTS Please see attached.

RETURN BY Inter-office Mail Hold for pick-up

This transmittal is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this transmittal is not the intended recipient, or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.